

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMED ABDIRISAK MOHAMED,
AHBDURMAN AHMED and
DANIEL JOHN FAIX,

Defendants.

No. 2:23-cr-00053-RAJ

ORDER CONTINUING TRIAL DATE
AND PRETRIAL MOTIONS DEADLINE

Having considered the proposed requests for a continuance, any responses and objections, all the files and records herein, and having conducted a hearing on this date, the Court finds and rules as follows:

The facts supporting continuing the trial and excluding the consequent delay include the following: (a) the nature of the prosecution and charges; (b) the significant sentences faced by all of the defendants as currently charged, (c) the volume of discovery and the fact that not all discovery has yet been provided to defense, including, in particular, evidence seized from cellular telephones that has not yet been analyzed nor produced, and (d) the need for defense counsel to have an appropriate period to review discovery, consult with their clients, and prepare a defense.

THE COURT THEREFORE FINDS that failure to grant the continuance in this case would likely result in a miscarriage of justice, because failing to continue this matter for a considerable period of time would deny counsel for the parties the reasonable time necessary for effective preparation, due to defense counsels' need for more time to review the considerable volume of discovery and evidence produced, and still to be produced, and to consider possible defenses and motions, taking into account the exercise of due diligence.

ORDER GRANTING MOTION TO CONTINUE
TRIAL AND PRETRIAL MOTIONS DEADLINE - 1
U.S. v. Mohamed et al., 2:23-cr-00053-RAJ

1 THE COURT FINDS, in light of these factors, that it is unlikely that the parties can be
2 reasonably ready to try this matter on June 20, 2023.

3 THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(6) and
4 (7), that this is a reasonable period of delay in that all defense counsel have indicated they
5 require more time to prepare for trial. The Court finds that given the complexity of the case, the
6 seriousness of the charges, and the volume of discovery produced, and still to be produced, that
7 more time is, in fact, necessary.

8 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code, Sections
9 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a continuance, and that they
10 outweigh the interests of the public and the defendants in a speedy trial.

11 THIS COURT FURTHER FINDS that all of the additional time requested between the
12 current trial date of and the new trial date of November 6, 2023, is necessary to provide counsel
13 for the defendants the reasonable time necessary to prepare for trial.

14 THE COURT FURTHER FINDS that any objections of defendants who were not
15 prepared to waive speedy trial to a continuance are hereby overruled. Defendants in these related
16 cases are alleged to have conspired together. It is well established that in multi-defendant cases,
17 a reasonable trial continuance as to any defendant tolls the Speedy Trial Act period as to all
18 joined co-defendants, even those who object to a trial continuance or who refuse to submit a
19 waiver under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(6).

20 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date is continued from
21 June 20, 2023, to November 6, 2023 at 9:00 a.m. as to Defendants Mohamed Abdirisak
22 Mohamed, Ahbdurman Ahmed and Daniel John Faix. The resulting period of delay from the
23 date of this order through November 20, 2023, is excluded for speedy trial purposes under 18
24 U.S.C. § 3161(h)(7)(A) and (B).

25 IT IS FURTHER ORDERED that all pretrial motions, including motions in limine, shall
26 be filed no later than September 27, 2023.

27 DATED this 9th day of June, 2023.

28 

The Honorable Richard A. Jones
United States District Judge